In the Supreme Court of the United States

OCTOBER TERM, 1972

No. 72-717

JOSEPH CHARLES BONANNO, JR. AND SALVATORE V. BONANNO, PETITIONERS

v.

UNITED STATES OF AMERICA

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

MEMORANDUM FOR THE UNITED STATES IN OPPOSITION

After a jury trial in the United States District Court for the Northern District of California, petitioners were convicted of using extortionate means to collect an extension of credit and of conspiracy, in violation of 18 U.S.C. 894 and 371. Joseph Bonanno was sentenced to concurrent terms of imprisonment for five years and Salvatore Bonanno was sentenced to probation for five years, to commence upon release from custody for another federal sentence presently being served. The court of appeals affirmed, 467 F. 2d 14 (Pet. App.).

The evidence is set forth in the opinion of the court of appeals and at Pet., pp. 3-19. In brief, it shows

that Joseph Bonanno was employed to collect a debt owed by Robert Piper to co-defendant Alfred Salciccia. Joseph Bonanno used the services of Pat Hartigan, a "muscleman," to assist in the collection. Joseph Bonanno, Hartigan and Piper met frequently to discuss the debt, and various payments were secured. Throughout the course of the meetings, threats were made to Piper, and on one occasion Hartigan struck Piper. Hartigan also warned that similar tactics had been used to collect debts owed by two other individuals. Moreover, when Piper once failed to attend a meeting, Joseph Bonanno announced that the debt would be raised from $2,500 to $3,000 as a penalty for his unexcused absence. The debt in its inflated amount was eventually satisfied.

Although Salvatore Bonanno did not participate in the discussions with Piper, he met with Joseph Bonanno and Hartigan frequently to review the progress of the collections and to give advice on how to handle Piper. Salvatore Bonanno advocated the use of force. When payments were collected, he shared in the proceeds.

Petitioners here urge (1) that their conduct did not fall within the scope of 18 U.S.C. 894 because it was purely intrastate and confined to collection of only one debt; (2) that the evidence relating to the collection of debts from other persons by use of the same techniques as the petitioners used to collect from Piper was improperly admitted, since petitioners had not been charged with any offenses arising from these collections; and (3) that the evidence was insufficient to convict Salvatore Bonanno. These arguments were

fully explored and properly rejected by the court of appeals (Pet. App. 1a–6a). We rely on the opinion below in urging that the petition for a writ of certiorari should be denied.

Respectfully submitted.

ERWIN N. GRISWOLD,
Solicitor General.

JANUARY 1973.

U.S. GOVERNMENT PRINTING OFFICE: 1972